



**Written Statement Of The
Sikh American Legal Defense and Education Fund**

**Before the United States House Of Representatives
Committee On The Judiciary
Subcommittee On The Constitution, Civil Rights, And Civil Liberties**

**Hearing On
“Discrimination And Violence Against Asian Americans”
March 18, 2021**

Dear Chairman Cohen, Ranking Member Johnson, and Members of the Committee:

On behalf of the Sikh American Legal Defense and Education Fund (SALDEF) and the Sikh American community, thank you for the opportunity to submit this written statement to the Subcommittee.

SALDEF is a national Sikh American media, policy, and education organization based in Washington, DC. Founded in 1996, SALDEF's mission is to empower Sikh Americans by building dialogue, deepening understanding, promoting civic and political participation, and upholding social justice and religious freedom for all Americans.

We are deeply concerned about the increase in harassment, assaults, and acts of hate targeting members of the Asian American community. Unfortunately, these incidents have been on the rise since the nation began to grapple with the COVID-19 pandemic in March of 2020, and they have not abated.

The Asian American community is diverse. The experiences of different ethnic communities with hate and discrimination may vary based on the moment. But the pain we feel is the same. In the current environment, where xenophobia runs rampant, all attacks and assaults are immediately suspect in the eyes of the victim and their community. That is the pernicious reality of acts of hate and discrimination; they terrorize the individual and their community. They can make one question their sense of belonging and identity.

SALDEF stands in solidarity with our brothers and sisters in the Asian American community and condemns all acts of hate and violence. As Sikh Americans, we know all too well the pain of hate and discrimination, but inspired by our *chardi kala* (optimism), we continue to move

forward. We remain committed to our work to ensure all individuals can live free from acts of hate and discrimination.

COVID-19 Related Anti-Asian Hate

Since March 2020, community advocates have documented nearly 3,800 acts of bias, hate, or violence against members of the Asian American community.¹ The number of documented anti-Asian hate crimes increased by about 150% in major cities last year, while the overall number of hate crimes declined.² The rate of attacks against the Asian American community has remained relatively consistent throughout the pandemic, raising concerns that many are motivated by bias and prejudice against Asians.

Many high-profile incidents have targeted older members of the Asian American community. For example, an 84-year-old Thai grandfather, Vicha Ratanapakdee, was fatally attacked while on his morning walk in San Francisco, California.³ And a 91-year-old Chinese man was attacked in Oakland, California.⁴

Families have not been immune from violence. A family, including their 2 and 6 year-old children, were stabbed while in a store in Midland, Texas, for allegedly spreading COVID-19.⁵ Young people, including children and teenagers, report the highest share of incidents.⁶ One in four Asian students is the victim of COVID-19 related bullying.⁷

¹ Russell Jeung Ph.D., Aggie Yellow Horse, Ph.D., Tara Popovic, and Richard Lim, *Stop AAPI Hate National Report 3/19/20 – 2/28/21*, Stop AAPI Hate (March 2020), <https://secureservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report-.pdf> [*hereinafter* “Stop AAPI Hate Report”].

² Center for the Study of Extremism, California State University - San Bernardino, *FACT SHEET: Anti-Asian Prejudice March 2020*, <https://www.csusb.edu/sites/default/files/FACT%20SHEET-%20Anti-Asian%20Hate%202020%203.2.21.pdf>.

³ Don Lim, *84-year-old killed after horrific daytime attack caught on video in San Francisco*, KGO (February 1, 2021), <https://abc7news.com/san-francisco-senior-attacked-sf-man-pushed-on-video-day-time-attack-caught-anza-vista-crime/10205928/>.

⁴ Don Lim, *Shocking video shows 91-year-old man senselessly pushed to ground in Oakland's Chinatown*, KGO (February 4, 2021), <https://abc7news.com/man-pushed-to-ground-in-oakland-violence-chinatown-robberies/10311111/>.

⁵ JuYeon Kim, *Report: Sam's Club stabbing suspect thought family was 'Chinese infecting people with coronavirus'*, KXAN (April 8, 2020), <https://www.kxan.com/news/crime/report-sams-club-stabbing-suspect-thought-family-was-chinese-infecting-people-with-coronavirus/>.

⁶ Stop AAPI Hate Report.

⁷ Claire Wang, *'You have Chinese virus!': 1 in 4 Asian American youths experience racist bullying, report says*, NBC News (Sept. 17, 2020), <https://www.nbcnews.com/news/asian-america/25-percent-asian-american-youths-racist-bullying-n1240380>.

Disturbingly, women are more than two times as likely to be the targets of harassment than men.⁸ For example, an assailant was charged with a hate crime after assaulting a 26-year-old Filipino woman at the subway station.⁹ This Tuesday, eight people, including six Asian women, were killed in a shooting spree around Atlanta, Georgia.¹⁰ And yesterday, an elderly Chinese woman was attacked in San Francisco, California, leaving her with a black eye and bruised face.¹¹ We must address the intertwined structural racism and misogyny that harms women of color.

This history of discrimination and treatment as the “other” is not new to the Asian American community. The fears about Asians spreading disease in early 1900s California¹², the gendered and sexualized stereotypes about Asian women, and the insidious othering of Asians as the “perpetual foreigner” make clear that these incidents do not occur in a vacuum. They come loaded with the history of disparate treatment and invisibility, acceptability, or complicity in the eyes of the government, press, and public. And they have detrimental effects on our communities.

Sikh American Experience with Acts of Discrimination, Hate, and Violence

The Sikh American community is no stranger to acts of hate, bias, and discrimination in its over 120-year history in the United States. From the riots in Bellingham, Washington in 1907 to the murder of Balbir Singh Sodhi on September 15, 2001; from the massacre of worshippers at the Gurdwara in Oak Creek, Wisconsin on August 5, 2012 to the countless attacks of and bullying against Sikh Americans of all backgrounds on and offline, our businesses, our gurdwaras, and our people have suffered tremendously.

We have seen and lived the harms when the government and media stigmatize entire communities. We live with the trauma of bullying, name-calling, and harassment. We have navigated discriminatory laws and views. We have mourned the loss of our own grandparents, neighbors, and friends due to acts of despicable violence. Through it all, we have drawn on history and the values of our faith to seek inspiration that allows us to move forward and solutions that benefit all marginalized communities.

⁸ Kimmy Yan, *There were 3,800 anti-Asian racist incidents, mostly against women, in past year*, NBC News (March 16, 2020), <https://www.nbcnews.com/news/asian-america/there-were-3-800-anti-asian-racist-incidents-mostly-against-women-1261257>.

⁹ Brian Ke, *Man Charged With Hate Crime for Assaulting Filipino American Woman on Caltrain in San Jose*, NextShark (March 16, 2021), <https://www.yahoo.com/entertainment/man-charged-hate-crime-assaulting-172355090.html>.

¹⁰ *Updated Coverage of the March 16, 2021 Shooting*, Atlanta Journal Constitution, <https://www.ajc.com/news/breaking-multiple-shootings-shut-down-busy-woodstock-highway/OLE23RVIO5BE3ELWBZAA6GVSSA/> (last accessed March 17, 2021).

¹¹ *Elderly Asian woman attacked in San Francisco fights back, sends alleged attacker to hospital*, CBS News (March 18, 2021), <https://www.cbsnews.com/news/asian-woman-attacked-san-francisco-fights-back/>.

¹² Alan M. Kraut, Ph.D, *Immigration, Ethnicity, and the Pandemic*, Public Health Rep. 2010; 125(Suppl 3): 123–133, doi: 10.1177/00333549101250S315, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2862341/>.

Recommendations

Over the past twenty-five years, SALDEF and the Sikh American community have been taking active steps to address hate and violence. From working within our community to working with law enforcement and government at all levels, we have consistently pushed for community-oriented solutions while mindfully ensuring that we do not encourage the over-policing of minority and vulnerable populations. In light of those experiences, we offer the following recommendations for consideration.

SALDEF is committed to advocating for policy and community-based solutions that address hate violence, bias, and discrimination. We recognize that bias is something that must be tackled by all groups in our country and that eliminating hate requires a concerted effort from the government, schools, the public, and the media. Any approach must center the real experiences of the Asian American community and recognize the intersectionality with racialized misogyny, gender and sexual identity, disability, immigration status, language proficiency, and income status.

We join the Asian American and Pacific Islander community in calling for investment in communities of color so that all of us have the infrastructure and resources in place for effective community safety, a robust social service safety net, and in-language support. We call on our local and state government to provide robust and responsive crisis intervention resources, including in-language support for mental health, legal, employment, and immigration services. We call for an investment in transformative justice that begins with cross-racial dialogue and community-building that address the root causes of violence and hate.

As the experience of the Sikh American community demonstrates, no efforts are complete without an investment in data collection. Anti-Sikh hate crimes were not classified in the FBI Uniform Crime Report until 2013. Despite similar efforts by many communities to be included in the data to get counted and efforts to raise awareness about the importance of reporting, hate crimes continue to be underreported to community organizations and law enforcement. Furthermore, many law enforcement agencies do not have the proper infrastructure or training to effectively account for or identify potential acts of hate.

Importantly, law enforcement and prosecutors must be transparent with community members when investigating and responding to acts of hate and discrimination. They must share information with communities in-language. Further, they must establish structures to address these issues, including through the involvement of non-law enforcement groups. Law enforcement agencies must also take on the burden of helping communities understand the differences between hate crimes, which in practice have an evidentiary standard that is often too high a bar to meet, and non-criminal acts of bias and discrimination.

At the same time, we recognize that law enforcement is not the optimal place to report all incidents. However, communities experience difficulty navigating the myriad of agencies that may address a particular incident and often turn to agencies that tend to view incidents and their solutions from a purely criminal angle. Agencies, including school boards, employment commissions, civil rights offices at health departments, and human rights commissions, all have a role to play. Congress must incentivize and provide support for better identification, reporting, and collection, including through the establishment of centralized and unified reporting structures that are focused on addressing the needs of victims rather than jurisdictional divisions.

Any outreach and education efforts must be conducted in culturally-sensitive and linguistically-accessible manners. Information about reporting claims of discrimination and hate must be available in all languages. In-language and culturally-sensitive outreach must extend to resources aimed at prevention of acts of hate and discrimination. The Department of Homeland Security should increase its outreach to Asian American and Pacific Islander communities about the Nonprofit Security Grants program so the funds may be used to protect community-based organizations, such as houses of worship.¹³ The Department of Justice, U.S. Equal Employment Opportunity Commission, and other agencies must invest in more in-language outreach to minority and marginalized communities. Further, law enforcement, schools, and investigative agencies must undergo cultural awareness training so they can fully understand the diverse ways in which bias targeting Asian communities appears.

We urge Congress to immediately pass the Jabara-Heyer NO HATE Act (H.R. 3545; S. 2043), which helps to close vast gaps in hate crime statistics and improve data collection and emphasizes restorative justice by providing an “alternative sentencing” provision that would allow specific defendants a supervised release to undertake educational classes or community service directly related to the harmed community.

We urge Congress to immediately pass the COVID-19 Hate Crimes Act (H.R. 1843; S. 728), which will direct federal resources to address the rise in anti-Asian hate crimes and make funds available for community-oriented solutions to tackle this problem, including for in-language outreach.

Further, we call on the Biden Administration to take tangible actions outlined in the *Presidential Memorandum Condemning and Combating Racism Xenophobia and Intolerance against AAPIs*.¹⁴

Conclusion

¹³ Federal Emergency Management Agency (FEMA), *Nonprofit Security Grant Program*, <https://www.fema.gov/grants/preparedness/nonprofit-security>.

¹⁴ *Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States* (January 26, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-condemning-and-combating-racism-xenophobia-and-intolerance-against-asian-americans-and-pacific-islanders-in-the-united-states/>.

We thank the Subcommittee on the Constitution, Civil Rights, and Civil Liberties for bringing attention to the harm that Asian American communities have been experiencing during this pandemic and for holding this hearing. We urge members of this subcommittee to bear in mind that racism and discrimination against Asian Americans did not begin with the start of the pandemic and without decisive, structural change, will persist long after the pandemic's end. Additionally, we hope you will continue to use the power of this subcommittee to address the specific needs of not only Asian Americans but also Native Hawaiian and Pacific Islanders and all other communities of color that have borne the brunt of the pandemic and of centuries of racism and violence.

Respectfully Submitted,
Kiran Kaur Gill
Executive Director